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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
SBC Tower Holdings LLC	)	File No. EB-09-NY-0057
ASR # 1003991	)	
Ballston, New York	)	NOV No. V200932380022

**NOTICE OF VIOLATION**

**Released: March 3, 2009**

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules<sup>1</sup> to SBC Tower Holdings LLC, owner of antenna structure # 1003991 in Ballston, New York.
2. On February 23, 2009, an agent of the Commission's New York Office inspected antenna structure # 1003991 located at 887 RT 67, Ballston, New York, and observed the following violation:

47 C.F.R. § 17.21: "Antenna structures shall be painted and lighted when . . . [t]hey exceed 60.96 meters (200 feet) in height above ground or they require special aeronautical study." The painting and lighting specifications for antenna structure number 1003991 require that the structure comply with FCC Chapters 4, 8, and 13 in accordance with FAA Circular Number 70/7460-1H. Chapter 5, paragraph 54, of FAA Circular Number 70/7460-1H states that "structures exceeding 150 feet (46 m) AGL... at least one red flashing (L-864) beacon should be installed in a manner to ensure an unobstructed view of one or more lights by a pilot." During the inspection, the agent observed that the lights did not switch at nighttime from white strobes to red flashing as per its lighting specifications.
3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, SBC Tower Holdings LLC, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of SBC Tower Holdings LLC. All replies

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup>47 U.S.C. § 403.

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and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
New York Office  
201 Varick Street, Suite 1151  
New York, NY 10014

4. This Notice shall be sent to SBC Tower Holdings LLC at its address of record.
5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel  
District Director  
New York District Office  
Northeast Region  
Enforcement Bureau

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<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup>18 U.S.C. § 1001 *et seq.*